

UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA
NORTHWESTERN DIVISION

ENERGY HEATING, LLC, and ROCKY
MOUNTAIN OILFIELD SERVICES, LLC,

Plaintiffs and Counterclaim Defendants,

v.

HEAT ON-THE-FLY, LLC, and SUPER
HEATERS NORTH DAKOTA, LLC,

Defendants,

and

HEAT ON-THE-FLY, LLC,

Counterclaimant.

Case No. 4:13-cv-010-RRE-ARS

**RESPONSE TO DEFENDANTS'
MOTION FOR AN
ADDITIONAL SIXTEEN-DAY
EXTENSION TO FILE RULE
72(b)(b) OBJECTIONS TO THE
MARCH 4, 2020 REPORT AND
RECOMMENDATION**

HEAT ON-THE-FLY, LLC,

Third-Party Plaintiff/
Counterclaim Defendant,

v.

MARATHON OIL CORPORATION, and
MARATHON OIL COMPANY,

Third-Party Defendants/
Counterclaimants.

1. In addition to the fourteen-day extension Defendants already obtained through stipulation because of “measures adopted to address the coronavirus pandemic,” Dkts. 778-79, Defendants now seek an additional sixteen-day extension so that they can prepare and file their objections “a full week after the expiration of the Minnesota ‘stay at home’ order.” Dkt. 780. But Defendants make no effort to explain why the first extension is insufficient and why collaborating remotely on their objections requires what would be a month-long extension in total. Moreover, Defendants cannot seek repeated extensions that, in effect, would condition their filing on resolution of the COVID-19 emergency, and suspend this case indefinitely until that occurs. Justice must go on.

2. By email in the morning of March 27, 2020, Defendants had indicated that they would be willing to stipulate to and limit their second extension request to seven days. Before Plaintiffs could respond, Defendants filed this motion that afternoon.

3. In the spirit of cooperation, Plaintiffs will agree to and thus do not oppose a further seven-day extension. Plaintiffs respectfully request that the Court grant no more than a seven-day extension according to the following schedule. Plaintiffs further request that the Court make clear that no further extensions will be permitted absent extraordinary circumstances.

Deadline	Current Schedule	Proposed Schedule
Objections to the March 4, 2020, Report and Recommendation	April 1, 2020	April 8, 2020
Responses to Objections	April 14, 2020	April 21, 2020

Respectfully submitted this 30th day of March, 2020.

By s/ F. Ross Boundy

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CERTIFICATE OF SERVICE

I hereby certify that on this date the foregoing document was filed electronically with the Clerk of the Court through ECF and served upon the following in the manner indicated below:

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DATED this 30th day of March, 2020.

s/ F. Ross Boundy

F. Ross Boundy